

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No C 00-4263 VRW

ORDER

In re:

QUINTUS SECURITIES LITIGATION

This order applies to:

ALL ACTIONS

\_\_\_\_\_ /

The court is in receipt of the parties' joint motion to (1) restore this litigation to the court's active docket, (2) approve the parties' stipulation to add Quintus Corporation ("Quintus") as a named defendant solely for the purpose of consummating settlement of the litigation and (3) grant preliminary approval of the proposed class action settlement. Doc #252.

The parties' joint motion is GRANTED IN PART. The clerk is DIRECTED to restore this litigation, including all related cases, to the court's active docket. Further, per the parties'

1 stipulation, id, Ex 2, Quintus is hereby ADDED as a named defendant  
2 for purposes of consummating the settlement of this litigation.

3 The court is not prepared to grant the parties' request  
4 for preliminary settlement approval on the basis of the extremely  
5 sketchy presentation the parties have made. See id at 3-5. The  
6 court particularly requests greater detail on the basis for the  
7 plan of allocation and the fee award for which lead counsel "might  
8 decide to apply." Id at 4.

9 It is appropriate to resolve any issues surrounding the  
10 fee award before notice is sent to the class so the class can be  
11 apprised of the net recovery it can expect to receive.  
12 Accordingly, briefing should (1) explain why intervening Ninth  
13 Circuit authority extinguishes class counsel's implicit obligation  
14 to honor the fee arrangement upon which the court's designation of  
15 lead counsel was predicated, see generally In re Quintus Sec Litig,  
16 148 F Supp 2d 967 (ND Cal 2001), and (2) discuss counsel's newly  
17 proposed fee award in accordance with the principles set forth in  
18 In re HPL Technologies Sec, Inc Litig, 366 F Supp 2d 912 (ND Cal  
19 2005) (Walker, J).

20 Briefing shall not exceed twenty pages and shall be  
21 submitted on or before March 1, 2006.

22  
23 SO ORDERED.

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25  
26 VAUGHN R WALKER

27 United States District Chief Judge  
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